

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS

UNITED STATES DISTRICT COURT

Volume I
Pages 1-218

Rule 30 Deposition

RI SEEKONK HOLDINGS, LLC

vs.

TIMOTHY P. MCINERNEY, ET AL

DEPOSITION OF TIMOTHY P. MCINERNEY, taken in
behalf of the plaintiff, pursuant to the applicable
provisions of the Massachusetts Rules of Civil
Procedure, before Melissa Prodanis, Court Reporter
and Notary Public in and for the Commonwealth of
Massachusetts, at the Offices of GOUDREAU & GROSSI
COURT REPORTING SERVICE, INC., 63 Winthrop Street,
Taunton, Massachusetts, on Wednesday, February 8,
2006, commencing at 9:42 a.m.

* * * * *

1 A Yeah.

2 Q That's correct?

3 A That's correct.

4 Q Okay. And do you recall the reporters
5 indicating that they had heard the remarks about
6 the Town should get teeth for dealing with
7 Mr. Tapalian as he proceeds with development?

8 MR. SILVERFINE: Can you say that again?

9 (Whereupon the stenographer read back the
10 last question.)

11 A I don't remember the reporters saying that at
12 all.

13 Q Do you have any -- assuming -- let me rephrase
14 that.

15 Assuming that the reporters did report that
16 night, I'm not going to mark every possible
17 document at this deposition, but assuming that
18 for a moment, do you have any understanding why
19 the executive session minutes that we have
20 received for that session do not reflect that
21 language?

22 MR. SILVERFINE: Objection as to the form.

23 A No. I have no idea.

24 Q Who was in charge of preparing executive session

1 minutes at the time?

2 A Cindy Dacanay.

3 Q And Ms. Dacanay had what position?

4 A She was the, I don't know the exact title,
5 Administrative Secretary to the Board, I want to
6 say.

7 Q And did you during your time as Town
8 Administrator approach Ms. Dacanay concerning
9 executive session tapes?

10 A No.

11 Q Did you ever ask her to take the tapes of the
12 executive sessions into your own custody?

13 A Um, tapes, no.

14 Q Did Ms. Dacanay record the executive sessions
15 using a tape recorder?

16 A The reason why I pause is because there was,
17 when I got there, there was some controversy
18 about whether it was going to be taped or
19 whether it was going to be handwritten votes as
20 the Board went through just as a general
21 operating procedure. I think when we started,
22 they weren't taped and then for ease for her to
23 be able to transcribe, they were allowed to be
24 taped. So, I'm not sure if she taped that

1 meeting or not.

2 Q I'm not confining myself to that meeting.

3 A No, but she did tape other meetings.

4 Q During the time that you were Town
5 Administrator, Ms. Dacanay did tape some
6 executive sessions?

7 A Yes.

8 Q Okay, number one. Number two, during the time
9 that you were Town Administrator, she may have
10 missed an executive session here or there
11 because of vacation or other personal reasons?

12 A Possible.

13 Q Okay. And when she was not present, there was
14 no other person taking notes of the meeting,
15 correct?

16 A The way the Board structure is, you'll have the
17 Chair. You'll have the Vice Chair and you'll
18 have the secretary and the secretary, you know,
19 whoever's not a member, it turns out to be the
20 secretary. I don't know who the secretary would
21 have been but they would be responsible under
22 the, you know, the protocol of the Board or the
23 policy of the Board to take, record the meeting
24 minutes.

1 Q Well, just suggesting to you that Ms. Dacanay
2 was the secretary during this period of time --

3 A She was to the Board but within the Board
4 itself.

5 Q All right. If she was ill or not there, her
6 tape recorder, the session would be tape
7 recorded for her to?

8 A I don't think so.

9 Q You don't?

10 A I don't think so.

11 Q Do you think that someone else came in to take
12 minutes?

13 A I think that the secretary who was a member of
14 the Board would have kept notes and recorded the
15 votes.

16 Q Okay. And who do you recall having -- do you
17 recall any of the selectmen during the time that
18 you were there -- having meetings recorded and
19 then transcribed notes of executive sessions?

20 A I don't know who was. No. I know that
21 Ms. Taylor took copious notes just in every
22 executive session but that's, I don't know, if
23 they were ever transcribed.

24 Q In any event, Ms. Dacanay did use tape

1 A I do.

2 Q Okay. That's kind of similar to your statement
3 about to avoid lawsuits they would be compelled
4 to allow Mr. Tapalian to do whatever he wanted,
5 isn't it?

6 A I don't think so.

7 Q Well, in any event, let's go to the last
8 paragraph on the page. You said you would make
9 the appropriate inquiries into that course of
10 action. Did I read that correct?

11 A That's correct.

12 Q Okay. And that course of action was to look
13 into whether or not there was a way to suspend
14 the review of further plans for Mr. Tapalian,
15 wasn't it?

16 A Whether or not it was an appropriate course of
17 action is what I would have determined or I
18 would have asked counsel to determine for us.
19 Is there a way to hold these plans in advance
20 until we do this?

21 Q You wanted to stop Mr. Tapalian at this point in
22 time, didn't you?

23 A No.

24 Q You wanted to find out whether there was any